

Appl. No.: 10/804,618
Amdt. dated: September 14, 2006
Reply to Office Action of: June 19, 2006

PATENT

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Figs. 1 and 3, replaces the original sheet including Figs. 1 and 3.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Claims 1, 3-16, and 18-20 are pending. Claims 2 and 17 have been canceled without prejudice and without disclaimer. Claims 1, 9, 10, 12, 13, 16, and 20 have been amended. The specification and the drawings have also been amended. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasmirsky et al. (US 2004/0193740) in view of Nilsson et al. (US 2005/0188220). Claims 2-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kasmirsky et al. in view of Nilsson et al. and Zahavi et al. (US 2005/0086646).

Applicant respectfully submits that independent claim 1 as amended is patentable over the cited references because, for instance, they do not teach or suggest a data protection server including a data protection management program that cooperates with the first storage subsystem to protect the data file stored in the first storage subsystem, the data protection server looking up the management rule inserted into the header of the data file to determine action to protect the data file.

Applicant respectfully submits that independent claim 10 as amended is patentable over the cited references because, for instance, they do not teach or suggest that the management rule is inserted into a header of the data file; and that the management server includes a second management program that cooperates with a file system to store the data file in the storage subsystem, the second management program looking up the management rule inserted into the header of the data file to determine action to take with respect to the data file.

Applicant respectfully submits that independent claim 13 as amended is patentable over the cited references because, for instance, they do not teach or suggest a first management program operable to access a header of a data file to look up a management rule inserted in the header and manage the data file according to the management rule inserted in the header, the management rule relating to a retention period or relocation instructions of the data file.

Applicant respectfully submits that independent claim 16 as amended is patentable over the cited references because, for instance, they do not teach or suggest storing the data file and the management rule at a first storage location in a first storage subsystem, the management rule relating to retention or relocation information of the data file; accessing the management rule attached to the data file; and performing a management act relating to the data file according to the management rule, wherein the management rule is inserted into a header of the data file.

The present invention inserts the management rule into the header of the data file so that a management server can look up the management rule in the header of the data file to determine what action to take with respect to the data file. In this way, the management rule can be shared among different systems to avoid conflict of management rules created by the different systems. Otherwise, different data management solutions create different data management frameworks, thereby creating inconsistent management rules and incompatibility problems. See specification at paragraphs [0006]-[0009]. Inserting the management rule that can be shared among different systems solves the problem. Different servers of different systems can look up the management rule inserted in the header of the data file to determine what action to take with respect to the data file. The different storage solutions of the different systems do not create their own data management policies, but instead rely on the management rule inserted in the header of the data file.

Kasmirsky et al. discloses a rule-based storage management mechanism for the processes or archiving and/or retrieving data. Nilsson et al. discloses a protection server. Neither references disclose inserting the management rule into the header of the data file, and looking up the management rule inserted into the header by a management server to determine what action to take with respect to the data file.

Zahavi et al. does not cure the deficiencies of Kasmirsky et al. and Nilsson et al. Zahavi et al. merely discloses "a header block that contains the description and order of the periodic data." Zahavi et al. also fails to teach or suggest inserting the management rule into the header of the data file, and looking up the management rule inserted into the header by a management server to determine what action to take with respect to the data file.

The Examiner asserts that it would have been obvious to have added the feature of inserting management rule into the header of a data file in view of Zahavi et al. The Examiner states that the "suggestion or motivation of doing so would be to provide a data management method or apparatus for implementation in an automated system to monitor and manage status, performance and configuration data for a plurality of networked storage components (Zahavi: Paragraph 10, lines 1-5)." *However, nothing in Zahavi et al. and nothing in the office action indicates how inserting the management rule into the header of the data file would provide a data management method or apparatus for implementation in an automated system to monitor and manage status, performance and configuration data for a plurality of networked storage components.¹*

For at least the foregoing reasons, independent claims 1, 10, 13, and 16, and dependent claims 3-9, 11, 12, 14, 15, and 18-20, are patentable.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

¹ Zahavi et al. achieves a system and method that facilitates flexible data collection and analysis across a plurality of networked storage devices, whereby a broad range of system and networked system parameters can be monitored, manipulated and archived and accessed to conduct advanced performance trend and capacity analysis; multiple parameters can be correlated to analyze the impact of configuration changes; and a self-describing data format for archived data provides for maximized parameter storage and retrieval in a distributed data store. See paragraph [0015]. Zahavi et al. is devoid of any suggestion of looking up a management rule inserted into the header of a data file to determine action to be taken with respect to the data file.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Attachments
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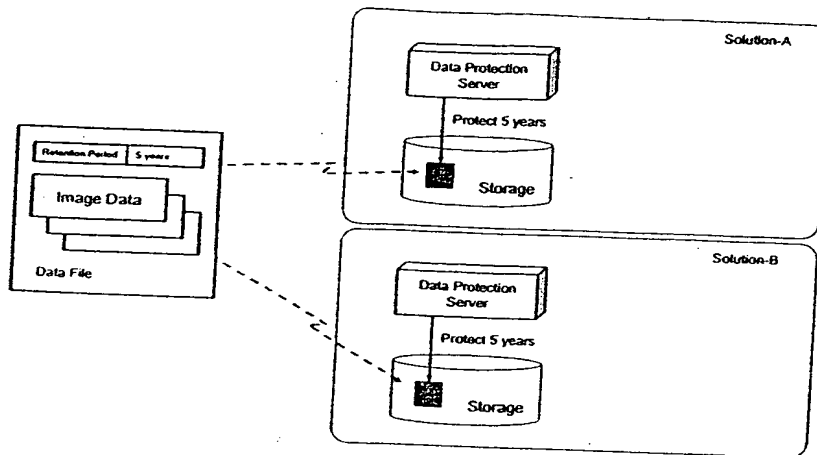


FIG. 1

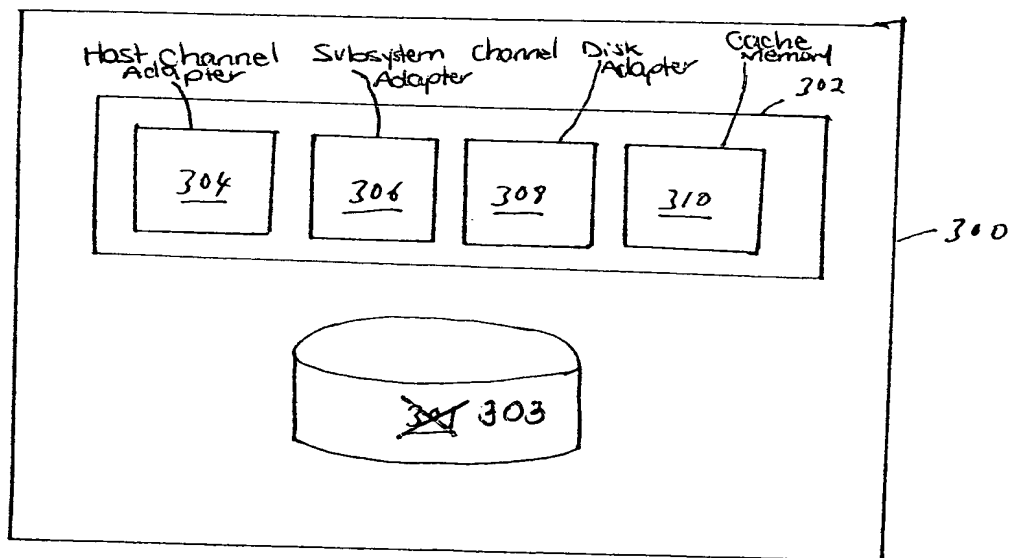


FIG. 3